

REMARKS

Status of the Application

Claims 80-83 and 85-99 are currently pending in the application for consideration by the Examiner. By this amendment, dependent claims 80 and 90 will have been amended and claim 84 will have been canceled.

Accordingly, reconsideration and withdrawal of the pending rejections are requested in view of the instant amendment and the accompanying remarks.

Amendment to Claims 80 and 90 are Fully Supported by the Original Disclosure

The above amendments do not add new matter to the application and are fully supported by the specification.

Section 102 & 103 Rejections

The Office Action rejected claims 80-99 under 35 U.S.C. § 102(b) as being anticipated by patent application WO 00/49370 to Andreussi ("Andreussi"). As amended, the independent claims of the present application, claims 80 and 90, include the features that the total flow rate is measured independently of the sampling operation and any sampling flow measurements therein and the flow rate of the sampled portion is continuously controlled during the sampling process to provide for isokinetic sampling. Applicant respectfully submits that these features are not taught by the Andreussi reference.

To the contrary, Andreussi teaches away from such features in that: (a) Andreussi not only does not teach directly measuring the total flow rate, but only teaches indirectly measuring the total flow rate by processing the total flow rate from the sampled flow rate, (*See, e.g.,* Andreussi at p.11, ll.12-20); and (b) Andreussi does not teach continuously controlling the flow rate of the sampled portion of the main flow to provide for isokinetic sampling during the sampling process, but only teaches verifying, post sampling, that the sampling was isokinetic during the sampling process and adjusting the sampled flow rates between sampling procedures if it is found that the sampling was not isokinetic (*See, e.g.,* Andreussi at p.11, ll.21-30 and p.13, ll.16-18). Moreover, the Andreussi reference discloses a system where the valve for controlling the sampling flow rate, valve 14, is downstream of phase separation systems *etc.* and so cannot provide for effective continuous control of the sampling flow rate to provide isokinetic sampling (*See, e.g.,* Andreussi at Fig. 1).

Therefore, Applicant respectfully submits that the Andreussi reference does not teach all of the features of independent claims 80 and 90, as amended.

CONCLUSION

In view of the foregoing, it is submitted that the references of record does not anticipate or render obvious Applicant's invention, as recited in each of claims 80-83 and 85-90. The applied reference of record has been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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